

HCS SCS SB 765 -- POLITICAL SUBDIVISIONS

SPONSOR: Schmitt

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 2. Voted "Do Pass with HCS" by the Select Committee on Judiciary by a vote of 6 to 2.

The bill specifies that any law enforcement officer employed by Columbia and who is not subject to a collective bargaining agreement or subject to removal under specified provisions must be subject to removal from office or employment by the governing body of the political subdivision employing the officer if certain specified conditions are met.

This bill prohibits a political subdivision or law enforcement agency from having a policy requiring or encouraging an employee to issue a certain number of traffic citations on a quota basis. Under current law, a public servant commits the class A misdemeanor of misconduct in administration of justice if he or she orders a St. Louis County employee to issue a certain number of traffic citations except when the employee is assigned exclusively to traffic control and has no other responsibilities or duties. This bill expands the provision to make it apply to employees of any political subdivision, not just St. Louis County. In addition, the bill removes the exception for employees assigned exclusively to traffic control and specifies that a public servant also commits the misdemeanor by ordering an employee to increase the number of tickets the employee is issuing. The bill specifies that the provisions do not apply to the issuance of warning citations. The bill modifies provisions relating to the Sunshine Law. Currently, allowable fees for providing public records include research time for fulfilling requests. The bill includes time spent reviewing records to determine whether or not the records are closed or authorized to be closed. A public body may waive or reduce fees if such waiver or reduction is in the public interest because the applicable fees are minimal and should be waived for administrative efficiency. Payment of copying, search, research and duplication fees may be requested prior to the making of copies or production of records. Mobile video recordings from a law enforcement vehicle or a device carried by a law enforcement officer that includes a camera and recording capability are considered a closed record until the investigation becomes inactive. A mobile video recording in a nonpublic location may be closed, except that any person depicted in the recording or certain other persons may obtain a complete, unaltered and unedited copy of the recording. The bill adds legal guardians or parents of a minor as being able

to obtain closed investigative or mobile video records in the same way that any person could obtain such records. Any person may bring an action to authorize disclosure of a mobile video recording and the court may order that all or part of the recording be released to the person. In making its determination on release, the court shall consider specified factors, including the benefit to the public as opposed to the harm to the public, to the law enforcement agency or its officers, or to any person identified in the recording. The mobile video recording may be examined by the court in its chambers. If disclosure of either a mobile video recording or an investigative report is authorized, the court may make any order that justice requires and set forth conditions for or limitations on the disclosure as specified. The bill provides that any person who requests and receives a mobile video recording that was recorded in a nonpublic location is prohibited from displaying or disclosing the recording without first affording any non-law enforcement person whose image or sound is contained in the recording the opportunity to seek a court order enjoining all or some of the display or disclosure. Any person who fails to comply with this provision is subject to damages in a civil action.

PROPONENTS: Supporters say that this bill would forbid political subdivisions from having traffic ticket quotas.

Testifying for the bill were Senator Schmitt; Missouri Alliance For Freedom; Civic Progress Action Committee; and the Missouri Police Chiefs` Association.

OPPONENTS: There was no opposition voiced to the committee.